IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) NO. 408 OF 2007
IN
NOTICE OF MOTION NO. 396 OF 2007
IN
SUIT NO. 240 OF 2007

Miss Abigael Jacob Pezarkar ...Appellant

versus

Sagar P. Patel and others ... Respondents

Mr. M.M. Vashi, instructed by Mr. Satish Kamat, for the appellant.
Mr. D.H. Mehta, instructed by M/s. Udwadia & Udeshi, for the respondents.

CORAM: **SWATANTER KUMAR, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **SEPTEMBER 17, 2007**.

P.C.

This appeal is directed against the order passed by the learned single Judge on 7th March, 2007 in Notice of Motion No.396 of 2007, vide which ad-interim order in terms of prayer clause (a) was granted, and that has been in force for all this time. The contention raised before us is that despite various issues having been raised, no reasoning has been recorded in the order, particularly with reference to the third party interest having been created in the property in question.

2. We do not wish to go into the merits or otherwise of these

contentions as, during the course of hearing, the learned counsel appearing for the parties commonly state that the ad-interim order dated 7th March, 2007, can continue for a period of four weeks during which period the plaintiff in the suit shall take out a proper Motion and also implead the third party whose interest has been created in the property in question and for continuation of the suit. This is acceptable to the learned counsel appearing for the parties. On their mutual consent, the Appeal is disposed of in the above terms.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.